

Jack Marshall Bergstein, M.D. - 1/21/04

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
VOLUME III

BRUCE ALLEN LILLER, et al.

Plaintiffs  
vs.

MJG 02-CV-3390

ROBERT KAUFFMAN

Defendant

The telephonic deposition of JACK MARSHALL  
BERGSTEIN, M.D. was continued on Wednesday, January 21,  
2004, commencing at 1:50 P.M., at the Law Offices of Lord  
& Whip, 36 South Charles Street, 10th Floor,  
Baltimore, Maryland, 21201, before Chuck Peppler, Notary  
Public.

APPEARANCES:

ARNOLD PHILLIPS, ESQUIRE (By Telephone)  
On behalf of Plaintiffs

KATHLEEN BUSTRAAN, ESQUIRE  
On behalf of Defendant

REPORTED BY: Chuck Peppler

1 Q Are you now board certified, sir?

2 A Yes, I am.

3 Q In what disciplines?

4 A In surgery and I have a certificate in --  
5 a certificate of added qualifications in surgical  
6 critical care.

7 Q And when were you board certified?

8 A Hold on a moment and I'll pull up my  
9 curriculum vitae.

10 Q Are you still looking?

11 A Yes, I am.

12 Q Okay.

13 A I'm certified by the American Board of  
14 Surgery in 1991 and recertified in 1999.

15 I was certified in surgical critical care  
16 in 1993 and recertified in 2003.

17 Q Dr. Bergstein, just so that you know, I  
18 can hear that your voice is fading in some instances.  
19 So, if you could take care to speak clearly and into  
20 the telephone, it would be helpful, so that we can get  
21 all your testimony.

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STIPULATION

It is stipulated and agreed by and between  
counsel for the respective parties that the filing of this  
deposition with the Clerk of Court be and the same are  
hereby waived.

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Whereupon,

JACK MARSHALL BERGSTEIN, M.D.,  
called as a witness, having been first duly sworn  
to tell the truth, the whole truth, and nothing but  
the truth, was examined and testified as follows:

EXAMINATION BY MS. BUSTRAAN:

Q. Dr. Bergstein, when I stopped last time, I think  
we were just getting started talking about Mr. Bruce  
Liller. If we could, I think you told me that you were  
Mr. Bruce Liller's attending physician for one day; is that  
right?

A. Yes.

Q. That was April 27th of 2002, which was the day  
Mr. Liller was discharged?

A. Yes.

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1 A. I have no information about their cost, but if  
2 asked, I could probably estimate. I doubt that my estimate  
3 would be all that useful.

4 Q. In other words, up to this point, you haven't  
5 reviewed or said yea or nay with respect to the cost of  
6 medical care associated with any treatment that was  
7 provided to Michael Liller or to Bruce Liller. Is that  
8 accurate? That would be for someone else to comment upon?

9 A. Up to this point, I have no information about the  
10 cost of care for Michael Liller or Bruce Liller.

11 MS. BUSTRAAN: Very good. I think those are all  
12 the questions I have at this time. I don't know if  
13 Mr. Phillips has any.

14 MR. PHILLIPS: I don't have any questions.

15 Dr. Bergstein, I will advise you that you have  
16 the right to read and sign your deposition. You can't  
17 change the testimony of your deposition, but you can fill  
18 out an errata sheet if there were things that you believe  
19 that you had testified are incorrect, which could add to  
20 the transcript of the deposition. You can exercise this  
21 right or you can waive the right. Which would you like to